

# HOUSE . . . . . No. 843

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By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to regulate protective orders in certain court proceedings. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT FURTHER REGULATING PROTECTIVE ORDERS IN CERTAIN COURT PROCEEDINGS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 209A of the General Laws, as appearing in the 2002  
2 Official Edition, is hereby amended by adding at the end thereof  
3 the following section:—

4 Section 11. It shall be a defense in the prosecution of any com-  
5 plaint alleging a violation of the no restraint or no contact provi-  
6 sions of any order issued pursuant to section three, four or five of  
7 this chapter or section eighteen or twenty-four B of chapter 208,  
8 section thirty-two of chapter 209 or section fifteen of chapter  
9 209C that the protected party either initiated contact with the  
10 defendant or invited, enticed, encouraged, consented to or other-  
11 wise condoned the defendant's actions which gave use to said vio-  
12 lation.

13 If the court finds the protected party either initiated contact  
14 with the defendant or invited, encouraged, consented to or other-  
15 wise encouraged the defendant's actions which gave rise to the  
16 alleged violation, said contact or conduct shall be a violation of  
17 the order and shall be punishable by a fine of not more than five  
18 thousand dollars or imprisonment for not more than two and one-  
19 half years or both and the court may in its discretion vacate the  
20 order.

21 The criminal remedies provided herein are not exclusive and  
22 shall not preclude any other available civil or criminal remedies